

Zoning Board of Appeals

From: Zoning Board of Appeals <zba@westtisbury-ma.gov>
Sent: Thursday, February 17, 2022 12:48 PM
To: Michael Goldsmith
Cc: Andy Zaikis; Casey Decker; Deborah Wells (dvwells@aol.com); JKaye51@comcast.net; John Rau; Julius B. Lowe; Larry Schubert (lhscarpentry@comcast.net)
Subject: West Tisbury ZBA question
Attachments: Bylaw Section 9.2-2.pdf

Hi Michael, For a couple of months now the ZBA has been discussing including a copy of Bylaw Section 9.2-2 Review Criteria in the ZBA application packet. The purpose would be to let applicants know that the ZBA will use it as a tool to decide on their application. It is customarily listed as a finding in the Decision that this review takes place and in the case of an approval that the project is in compliance with the section, (see attached).

Originally it was thought that simply having the applicant verify that they had read through the section would be sufficient and would bring a valuable bit of info to the applicant prior to their hearing. At a certain point though, someone suggested that the onus be placed on the applicant to decide if they comply with each separate point in the bylaw.

Right now, a few members think that the onus should be put on the applicant to review the bylaw and decide point by point if their application is compliant. The other members feel that it is the board's responsibility to make that determination after reviewing the submitted application at the Public Hearing.

Before it goes any further, Larry asked me to request your opinion on whether the ZBA should follow through on either of these two options. Thank you, Pam

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